



US Army Corps
of Engineers
St Paul District

APPLICANT: City of
Farmington

Public Notice

ISSUED: 01 May 2003

EXPIRES: 31 May 2003

REFER TO: 2003-04721-JJY

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO DISCHARGE FILL AND DREDGED MATERIAL IN A WETLAND ADJACENT TO A TRIBUTARY (MEADOW CREEK, LAKE JULIA OUTLET) TO NORTH CREEK.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: Mr. Lee Mann
City Engineer
325 Oak Street
Farmington, MN 55024
(651) 463-1601

AGENT: John Smyth
Bonestroo, Rosene, Anderlik & Associates
2335 West Highway 36
Saint Paul, MN 55113
(651) 604-4708

PROJECT LOCATION: The project site is in the S 1/2 Sec. 13, T. 114 N., R. 20 W., City of Farmington, Dakota County, Minnesota, just east of Akin Road, generally between 185th and 190th Streets. The channel, known also as Meadow Creek, is the outlet for Lake Julia. It drains into North Creek, a tributary of the Vermillion River, which itself is a tributary of the Mississippi River, a navigable water of the United States. The approximate UTM coordinates for the site are Zone 15 North 4947500, East 486600.

DESCRIPTION OF PROJECT: The purpose of the project is to correct and maintain unobstructed flows in the ditch that provides drainage from Lake Julia to North Creek. The project involves redeposition of dredged material in the sloping, shaping, and excavation of the ditch and the restoration of adjacent wetlands. Approximately 2.6 acres of the ditch would be excavated to depths of up to 4 feet to remove accumulated sediment. Approximately 0.93 acres of Type 2 (wet meadow, primarily reed canary grass wetland) would be converted to Type 3 (shallow marsh, probably primarily cattail but perhaps some bulrush, sedge, and other emergent plant wetland), when the fringe wetland along the ditch is sloped to eliminate the steep banks and to promote the growth of other emergent vegetation. None of the excavated or graded area and none of the adjacent wetland would be converted to nonwetland. The project has also been design to avoid impacts on Type 2 sedge meadow, Type 2/6 and 7 wooded wetlands (shrub carr and bottomland hardwood forest), and other higher-quality existing wetlands near the ditch.

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In addition, removal of old spoil piles along the ditch would expand the floodplain and restore approximately 0.61 acre of former Type 2/3 (wet meadow/shallow marsh) wetland. The result should be a net increase in wetland area and wetland values and functions. The ditch would continue to act as linear pond but the excavation and removal of obstruction would allow high flows to pass more efficiently and would minimize backup around Lake Julia and along the drainageway.

QUANTITY, TYPE, AND AREA OF FILL/EXCAVATION: As noted above, the project would not fill and convert any wetland to nonwetland, although it would involve discharges of dredged material over most of the excavated area, to properly slope the channel and to shape the surrounding wetlands.

VEGETATION IN AFFECTED AREA: The affected area is primarily reed canary grass in the adjacent wetland, with reed canary grass and open water in the channel itself. The steep side slopes of the ditch limit diversity of the wetland. The project has been designed to avoid impacts on the pockets of sedges, shrubs, and trees that are along the north bank of the downstream end of this project.

SURROUNDING LAND USE: The surrounding land use is changing from rural agricultural to residential. In a few years, it may be essentially all residential. A city park surrounds part of Lake Julia.

THE FOLLOWING POTENTIALLY TOXIC MATERIALS COULD BE USED AT THE PROJECT SITE: The project would require construction equipment that uses petroleum products for fuel and lubrication. However, the chance of a spill or contamination is no greater than it would be in any of many similar project. Nearby road and residential developments require similar equipment.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: The project would incorporate appropriate erosion control measures. The disturbed wet areas should revegetate relatively quickly.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to the following address:

Regulatory Branch (Attention 2003-04721-JJY)
St. Paul District, Corps of Engineers
190 Fifth Street East
Saint Paul, MN 55101-1638

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Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Mr. Joseph Yanta at the St. Paul office of the Corps, at telephone number (651) 290-5362.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Dakota County is within the known or historic range of the following Federally-listed threatened species:

<u>Species</u>	<u>Habitat</u>
Bald eagle	Breeding
Prairie bush clover	Gravelly soil, dry to mesic prairies

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This project comes under the regulatory jurisdiction of the Corps of Engineers because the surface tributary system of Meadow Creek, North Creek, and the Vermillion River is tributary to the Mississippi River, a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED:

City of Farmington - State Wetland Conservation Act

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid, complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA.

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The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The MPCA has also indicated that the Section 401 process shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

The MPCA has eliminated the staffing resources for the Section 401 certification program due to budgetary limitations. Due to staff reductions, MPCA is intending to waive many Section 401 certification applications with limited exceptions but the MPCA reserves the right and authority to proceed differently if extreme or unique circumstances merit a different approach. In many cases, the waiver of Section 401 certification means that the MPCA has not reviewed federally permitted projects in detail for conformance with state water quality standards nor has the MPCA made a determination of the proposal's compliance with state water quality standards. This waiver action, however, will not exempt the applicant from the responsibility of complying with all applicable water quality standards and requirements as contained in Minn. R. ch. 7050 and all other applicable state rules regarding water quality. The applicant will need to make a self-determination of water quality compliance of their proposal. In the event of water quality violations caused by the applicant's project, enforcement action may be taken by the MPCA.

Any comments relative to MPCA's intention to waive Section 401 Certification for the activity proposed in this public notice may be sent to the following address:

Minnesota Pollution Control Agency
Regional Environmental Management Division
Attention: 401 Certification
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if any known cultural resources may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted, and no listed properties (known to be eligible for inclusion, or included in the Register) are in the project area.

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in

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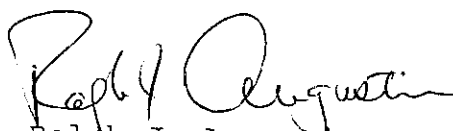
SUBJECT: Notice of Application for Permit

detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

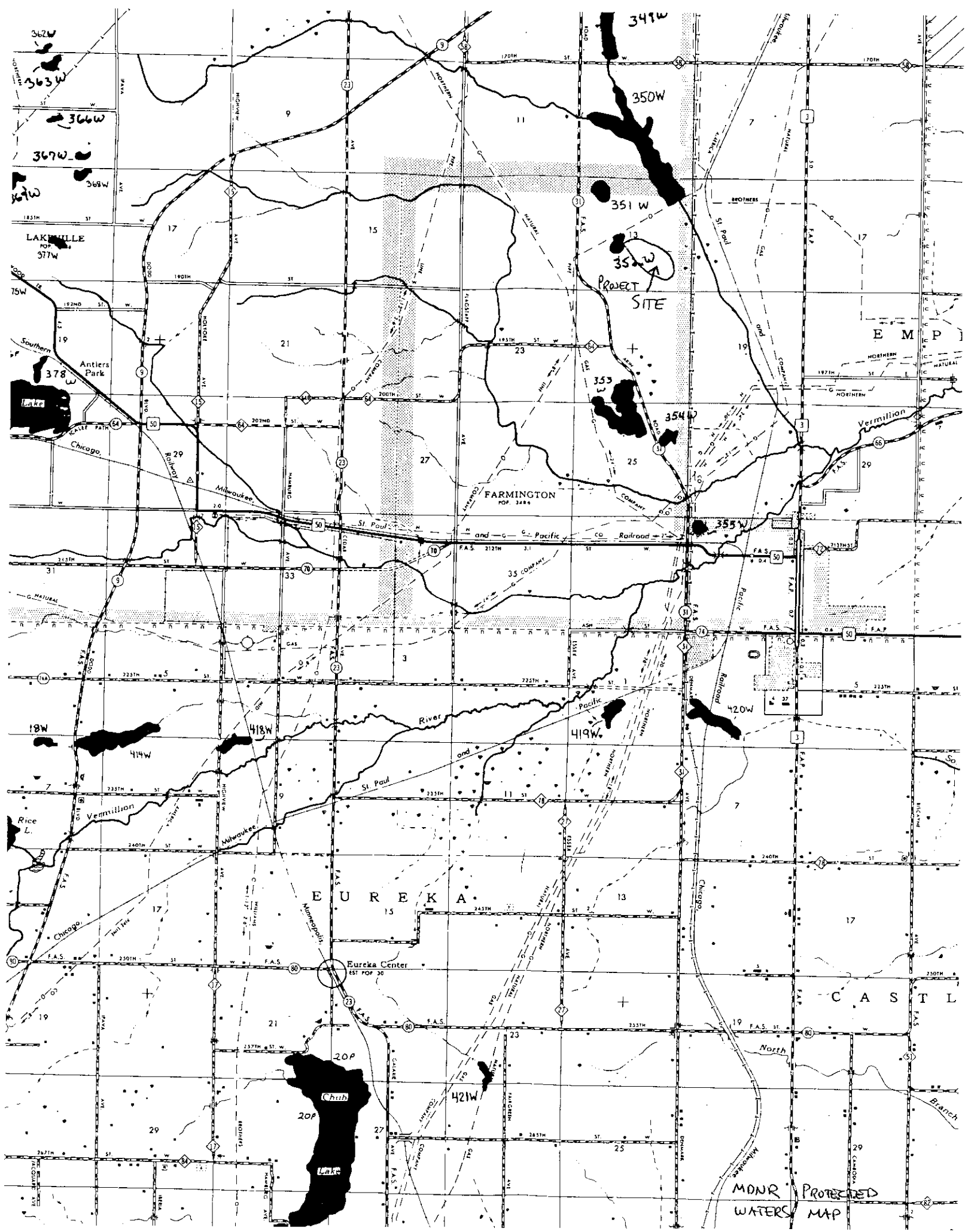
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an environmental assessment and/or an environmental impact statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.



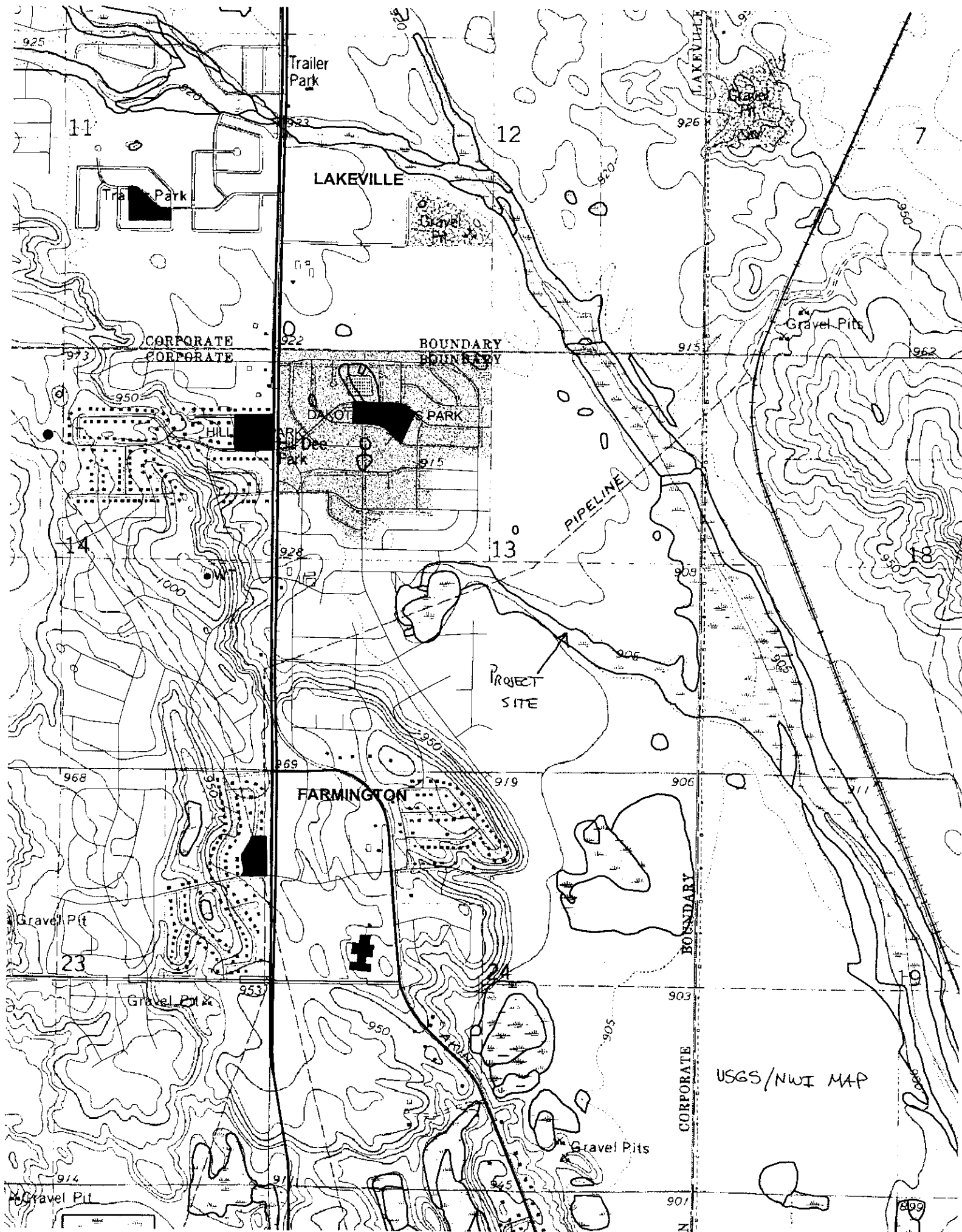
Ralph J. Augustin
Chief, Metro Permit Section

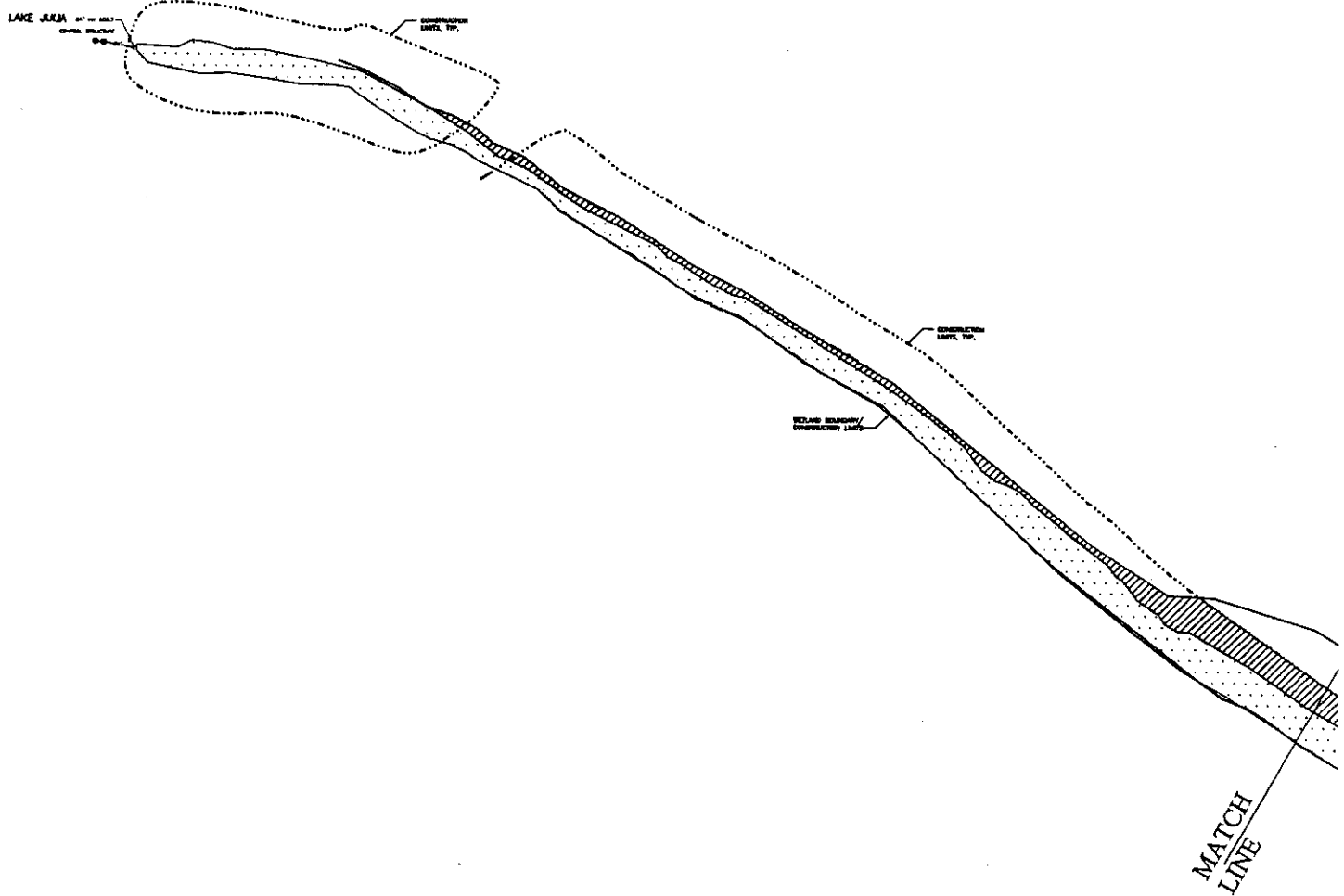
Enclosures


NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.




MONR PROTECTED
WATERS MAP





 0.93 Acres of Wetland change from Type 2 to Type 3

 2.6 Acres of sediment removal from existing drainageway.

MEADOW CREEK DITCH DESIGN
CITY OF FARMINGTON
LAKE JULIA WATERWAY IMPROVEMENTS
MARCH 28, 2003

0 200
Scale in feet

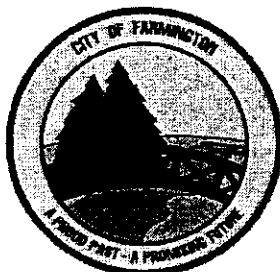
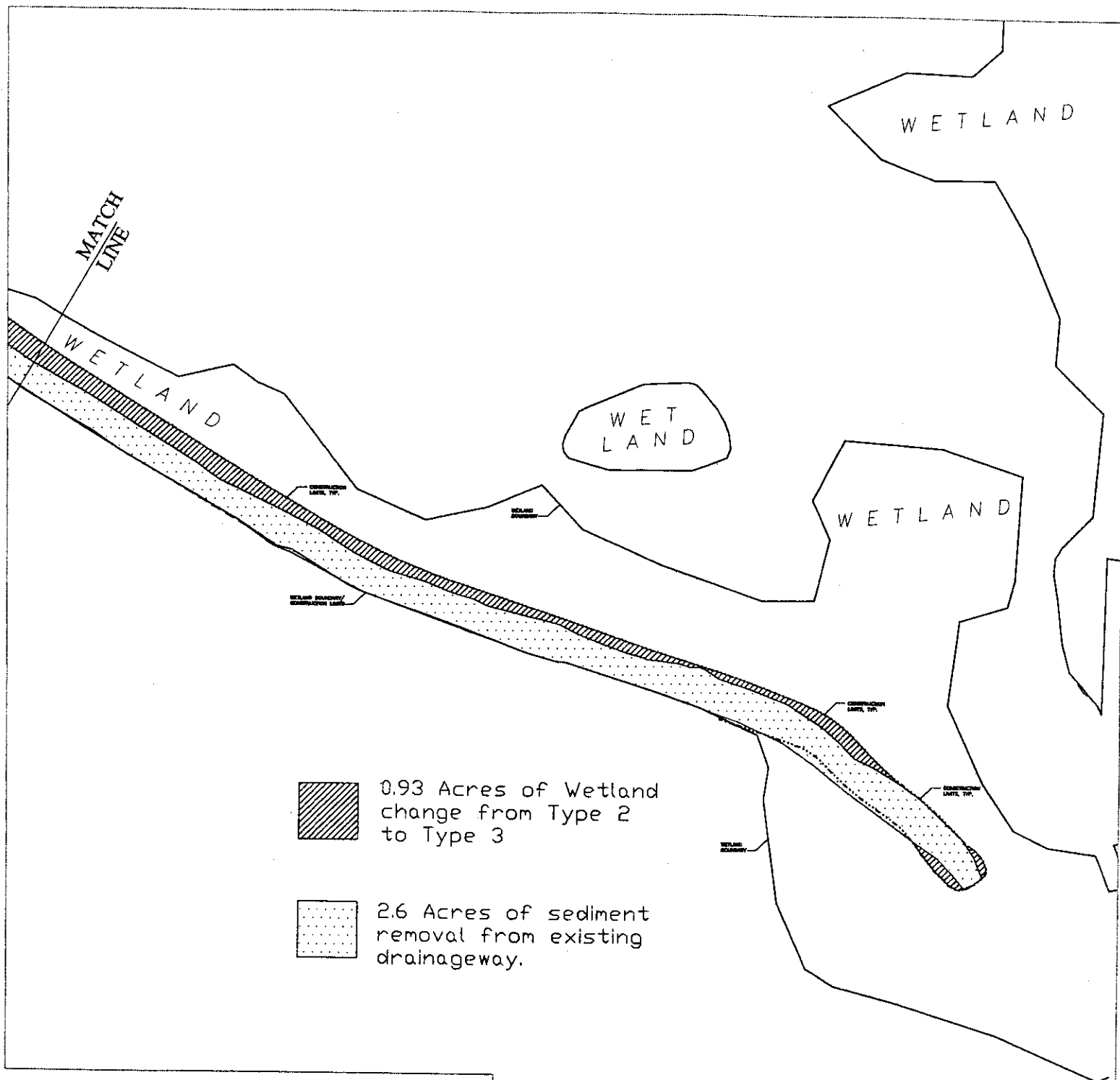


EXHIBIT 1
(1 of 2)



0.93 Acres of Wetland
change from Type 2
to Type 3



2.6 Acres of sediment
removal from existing
drainageway.

MEADOW CREEK DITCH DESIGN
CITY OF FARMINGTON
LAKE JULIA WATERWAY IMPROVEMENTS
MARCH 28, 2003

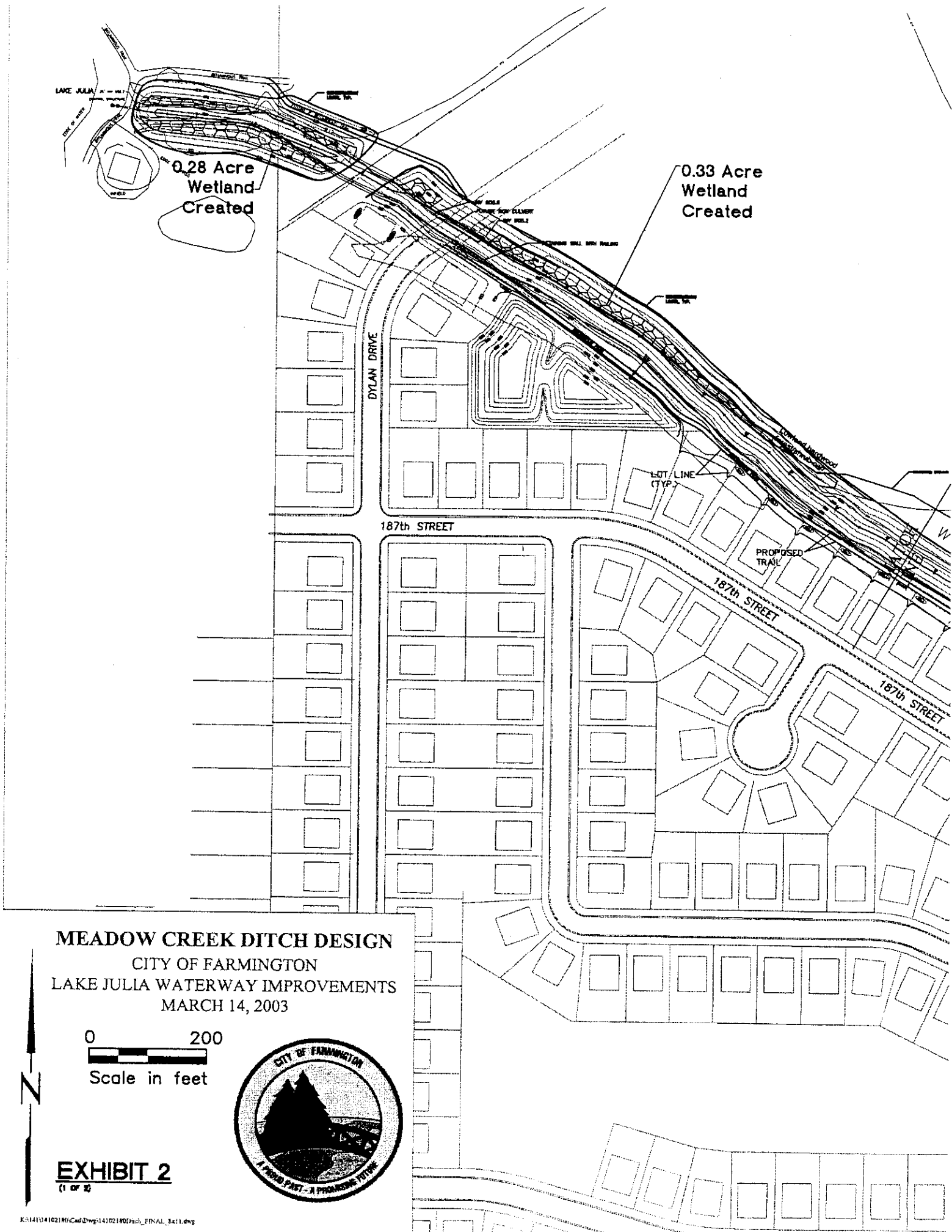
0 200



Scale in feet



EXHIBIT 1
2 of 2



MEADOW CREEK DITCH DESIGN
CITY OF FARMINGTON
LAKE JULIA WATERWAY IMPROVEMENTS
MARCH 14, 2003

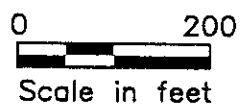
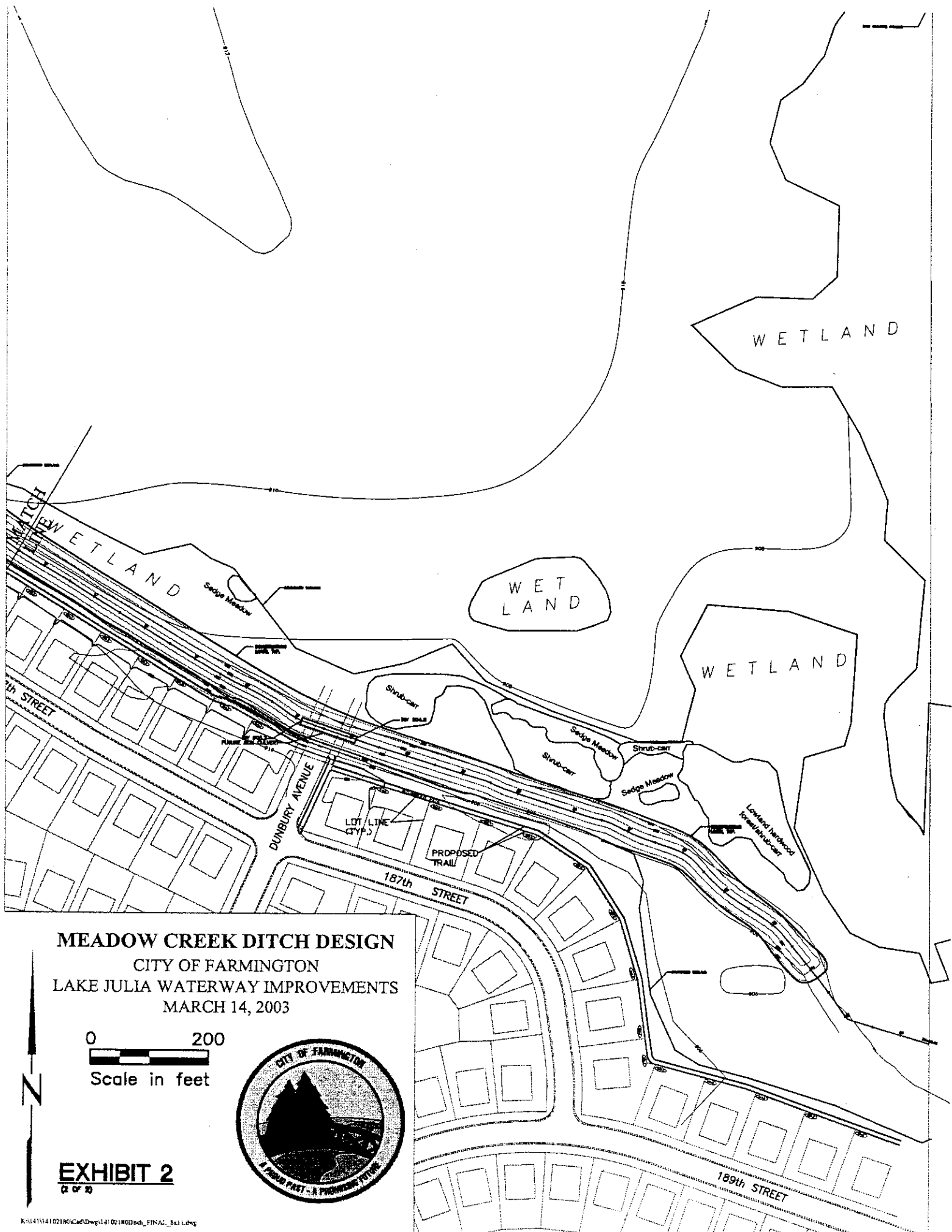


EXHIBIT 2
(1 of 2)



MEADOW CREEK DITCH DESIGN
 CITY OF FARMINGTON
 LAKE JULIA WATERWAY IMPROVEMENTS
 MARCH 14, 2003

0 200
 Scale in feet



EXHIBIT 2
 2 of 2

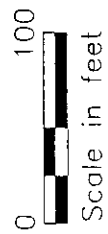
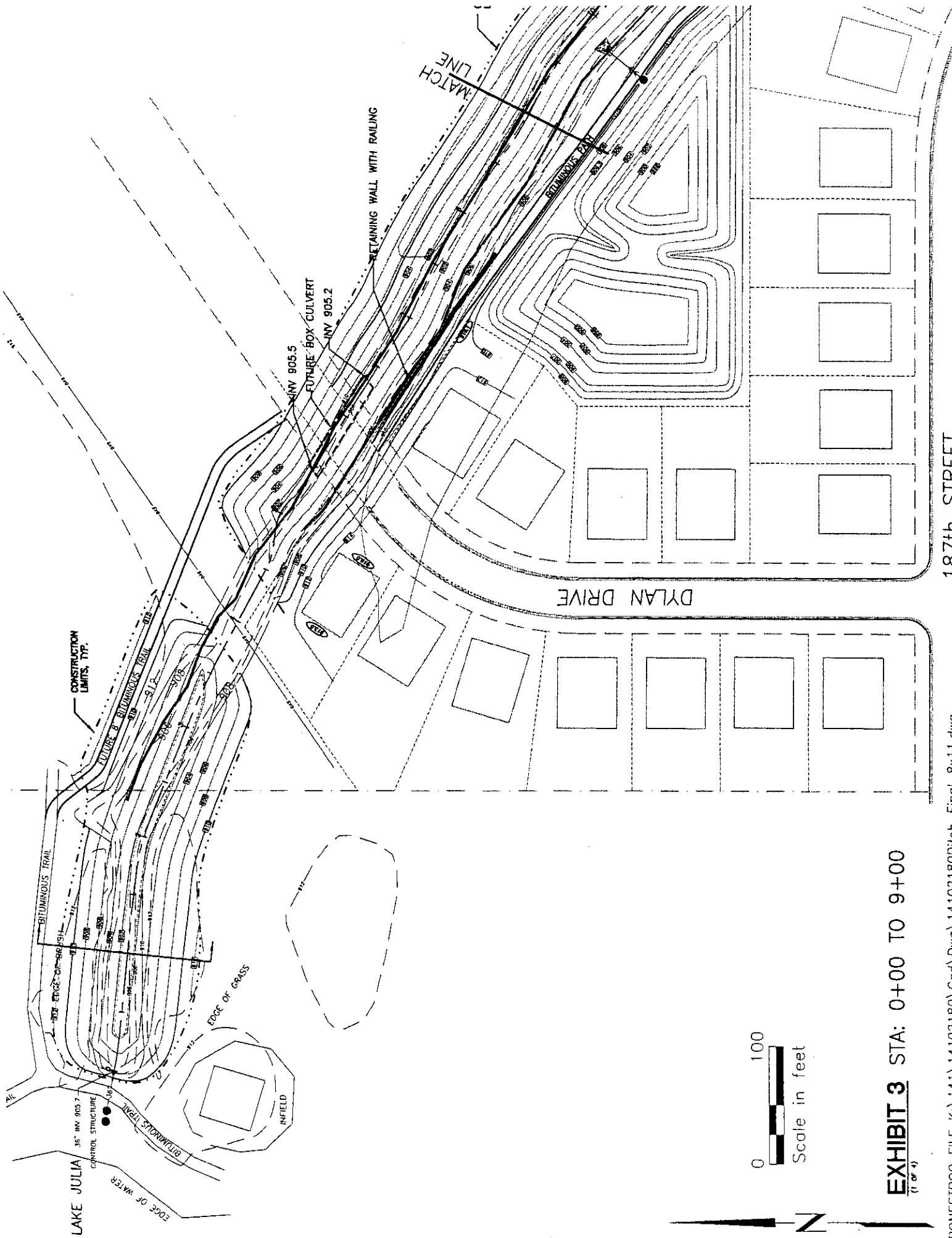


EXHIBIT 3 STA: 0+00 TO 9+00 (1 OF 4)

UNING WALL WITH RAILING

MATCH
LINE

CONSTRUCTION
LIMITS, TYP.

0 100
Scale in feet

Lowland hardwood
forest/shrub-cat

BIRMINGHAM PATH

DELIMITED WETLAND

WETLAND

Sedge Meadow
MATCH
LINE

CONSTRUCT
LIMITS, TYP.

187th STREET

EXHIBIT 3 STA: 9+00 TO 19+00
(2 of 4)

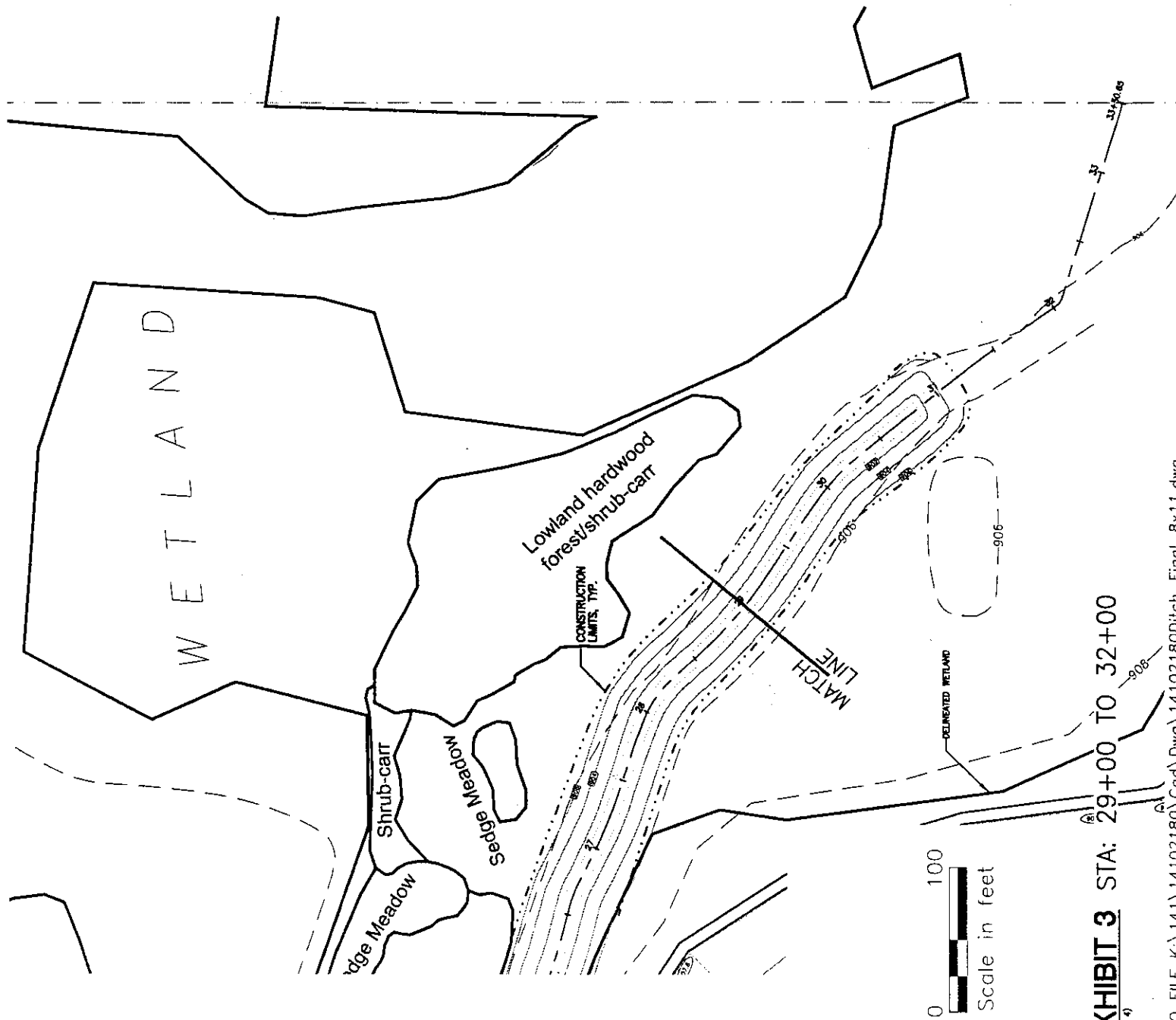
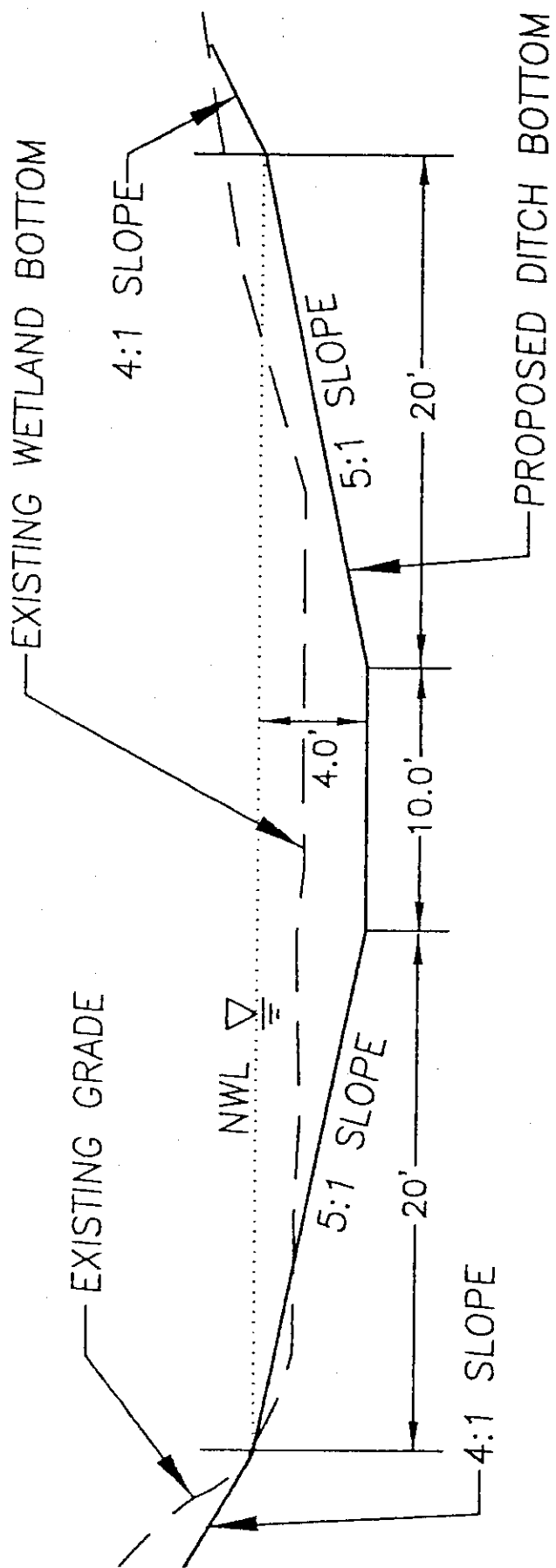


EXHIBIT 3 STA: 29+00 TO 32+00

(4 OF 4)



DITCH SECTION, TYP.

NO SCALE